

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

December 10, 1993
AO-93-29

Robert F. Sylvia, Esq.
Hinckley, Allen & Snyder
One Financial Center
Boston, MA 02111-2625

RE: Political Contributions by Partners

Dear Mr. Sylvia:

This letter is in response to your October 20, 1993 letter requesting an advisory opinion regarding the method used by partners of your firm when making contributions to candidates for Massachusetts state and local office.

The facts as you have related them in your letter can be summarized as follows. Each partner is a signatory on a demand deposit account maintained with a financial institution. The partners individually indicate the several candidates to whom they would like to make contributions. At the time of making a contribution, a check is issued from the account with the individual partner's name on the check (not the name of the partnership). A partner's check is signed by the individual partner, or in his or her absence, and with his or her consent, by the office administrator or the controller. The partner's name and residential address are listed on a form provided with the check. The check and the form are then delivered to the candidate.

You have stated that in order to permit the check to be honored, the partnership deposits funds in an amount equal to the check in the demand deposit account, and the amount of undistributed partnership earnings to which the contributing partner would otherwise be entitled is reduced by the amount of the check. No direct or indirect reimbursement of any kind is made by the partnership or any other partner to the individual partner making the contribution, and no partner is entitled to any greater or lesser percentage of partnership earnings on account of his or her level of contributions.

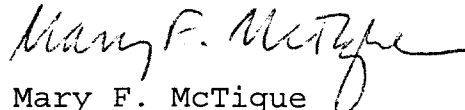
The regulations promulgated pursuant to M.G.L. c. 55 provide that "[a] contribution check drawn on a partnership account may only be accepted if attributable to individual partners." 970 CMR 1.04(3). I assume that the partnership will not allow a partner to make contributions from the demand deposit account exceeding the partner's share in undistributed partnership earnings. I believe that if a partner is entitled to undistributed partnership earnings in the amount of his or her intended contribution, the system described in your letter complies with the regulation, since the contributions are clearly attributable to individual partners rather than the partnership.

As you have acknowledged, the campaign finance law allows an individual to contribute up to \$1,000.00 to a candidate in a calendar year. See M.G.L. c. 55, s. 7. As long as each partner's contributions stay within this limit, the contributions which you have described comply with M.G.L. c. 55.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Very truly yours,


Mary F. McTigue
Director

MFM/cp